

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43854 of 2022

Arising Out of PS. Case No.-236 Year-2018 Thana- MUSAHARI District- Muzaffarpur

Sanjiv Kumar @ Sanjeev Thakur, Son of Kapileshwar Thakur, Resident of
Manika Harikesh, P.S. - Mushahari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mushahari P.S. Case No. 236 of 2018 registered
for the alleged offences under Sections 304B/34 of the Indian
Penal Code.

As per prosecution case, the daughter of the
informant was married with the petitioner and allegation against
him is that he has been demanding Rs. 1,00,000/- in dowry and
on non-fulfillment of this demand strangled the daughter of
the informant.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. He has not committed any offence. No occurrence as alleged has ever taken place. The petitioner never demanded any dowry and even no gifts were exchanged at the time of marriage. The informant falsely implicated all the family members of the petitioner. The allegations are mostly general and omnibus and no specific allegation has been made against the petitioner. The allegation of strangulation is falsified by the post-mortem report which shows the deceased died due to asphyxia as a result of ante-mortem hanging. The daughter of the informant committed suicide as she was not happy with her marriage with the petitioner which was against her wishes. The petitioner is in custody since 11.05.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the death has been caused within seven years of marriage in the house of the petitioner. The daughter of the informant died due to ante-mortem hanging. All the witnesses have supported the prosecution case against the petitioner.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that the post-mortem report does not show any strangulation as alleged in the FIR and further considering the clean antecedent of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Xth, East, Muzaffarpur in connection with Mushahari P.S. Case No. 236 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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